

***Effective 5/12/2015***

***Superseded 1/1/2017***

**20A-11-1305 School board office candidate -- Failure to file statement -- Penalties.**

- (1)
- (a) A school board office candidate who fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
  - (b) If a school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(b)(ii) through (iv), the chief election officer shall, after making a reasonable attempt to discover if the report was timely filed, inform the county clerk and other appropriate election officials who:
    - (i)
      - (A) shall, if practicable, remove the name of the candidate from the ballots before the ballots are delivered to voters; or
      - (B) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
    - (ii) may not count any votes for that candidate.
  - (c) Any school board office candidate who fails to file timely a financial statement required by Subsection 20A-11-1303(1)(b)(ii), (iii), or (iv) is disqualified.
  - (d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is not disqualified and the chief election officer may not impose a fine if:
    - (i) the candidate timely files the reports required by this section in accordance with Section 20A-11-103;
    - (ii) those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
    - (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are corrected in:
      - (A) an amended report; or
      - (B) the next scheduled report.
- (2)
- (a) Within 30 days after a deadline for the filing of a summary report by a school board office candidate, the lieutenant governor shall review each filed summary report to ensure that:
    - (i) each school board candidate that is required to file a summary report has filed one; and
    - (ii) each summary report contains the information required by this part.
  - (b) If it appears that a school board candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the school board candidate of the violation or written complaint and direct the school board candidate to file a summary report correcting the problem.
  - (c)
    - (i) It is unlawful for a school board candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.
    - (ii) Each school board candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
    - (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.

- (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a school board candidate who violates Subsection (2)(c)(i).